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07/715258

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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07/715.258 06/14/91 WILLIAMS

J DS/91068

THING EXAMINER

29M1/0916

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ART UNIT	PAPER NUMBER
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2901

9

DATE MAILED:

09/16/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on suspension granted 9/2/93
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _____ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) _____ is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claims is are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2901

The suspension granted 9/02/93 (paper #6) is vacated and the final rejections of the claim under 35 U.S.C. 112, first paragraph for new matter and 35 U.S.C. 171 as non-statutory subject matter are withdrawn in light of the published guidelines for examination of computer generated icons (Guidelines).¹

This application contains the following separate embodiments of the disclosed design:

Embodiment 1:	Figs.1 and 7
Embodiment 2:	Fig.2
Embodiment 3:	Fig.3
Embodiment 4:	Fig.4
Embodiment 5:	Figs.5 and 8
Embodiment 6:	Fig.6
Embodiment 7:	Fig.9

Multiple embodiments of a single inventive concept may be included in the same design application only if they involve a single inventive concept. *In re Rubinfeld*, 123 USPQ 210 (CCPA 1959). Embodiments that are patentably distinct from one another do not constitute a single inventive concept and thus may not be included in the same design application. *In re Platner*, 155 USPQ 222 (Comm'r Pat 1967).

The above disclosed embodiments define the following distinct groups of inventions:

Group I:	Embodiments 1 and 2
Group II:	Embodiments 3 and 4
Group III:	Embodiments 5, 6 and 7

The embodiments disclosed within each group do not present overall appearances that are distinct from one another; i.e. they are considered by the Examiner to be obvious variations of one another within the group. These embodiments thus comprise a single inventive concept and are grouped together.

Restriction is required under 35 U.S.C. 121 to one of the above identified patentably distinct groups of the disclosed inventions.

¹ 1185 O.G. 60, 61 F.R. 11380 (1996).

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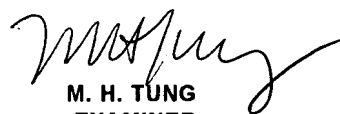
A response to this requirement must include an election of a single group for prosecution on the merits, even if this requirement is traversed. Any response that does not include election of a single group will be held non-responsive. Applicant is also requested to direct cancellation of all drawing figures directed to non-elected groups.

Should applicant traverse this requirement on the grounds that the embodiments comprise a single inventive concept or are not patentably distinct, applicant should present evidence or identify such evidence now of record showing the embodiments to be obvious variations of one another. If embodiments are determined not to be patentably distinct and are accordingly retained in the same application, any rejection of one embodiment over prior art will apply equally to all other embodiments. No argument asserting patentability based on features of other embodiments will be considered once those embodiments have been determined to comprise a single inventive concept.

A shortened statutory period of **THIRTY DAYS** from the date of this letter is set for applicant to elect a single group for prosecution on the merits.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Tung, whose telephone number is (703)305-3105. The examiner can normally be reached on Tuesday-Friday from 7:30 to 5:00. The examiner can also be reached on alternate Mondays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hugo Word, can be reached on (703)305-3171. The FAX phone number for this group is (703)308-2742. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-305-3293.

mht
September 6, 1996


M. H. TUNG
EXAMINER
ART UNIT 2901